

REMARKS

Applicant received the non-responsive amendment requesting the Applicant explain how the new claims are patentable over the prior art.

Claims

Claims 1-14 were pending in the application. Claims 1, 3-5, 7-10, and 12-13 have been amended. Claims 2 and 14 have been cancelled. Claims 15-23 have been added. Claims 1, 3-13 and 15-23 are currently pending in this application.

Claim Objections

Claims 3-5 were objected to for informalities. Claims 3-5 were amended to correct the informalities. Applicant respectfully requests the Examiner withdraw the objection to claims 3-5.

35 U.S.C. §101 Rejections

Claim 14 has been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. As claim 14 has been cancelled, the rejection of claim 14 is believed moot.

35 U.S.C. §112 Rejections

Claim 7 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claim 7 has been amended to correct the antecedent basis issue. Applicant respectfully requests the Examiner withdraw the rejection to claim 7.

35 U.S.C. §103 Rejection

Claims 1-14 have been rejected under 35 U.S.C. §103 as being unpatentable over McDysan (U.S. Patent No. 6,788,498) (hereinafter “McDysan”) to Bartlett (U.S. Patent Application Publication Number 2003/0177396) (hereinafter “Bartlett”). Applicant respectfully disagrees with these rejections.

McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “receiving a signal, **separate from the received data**, indicating that the data is to be transferred to the computer system with a guaranteed quality of service, wherein the signal is received from a network control system server and wherein the data is received by a separate content provider” (emphasis added) as recited in amended claim 1. Neither McDysan nor Bartlett appear to teach a device (a network control system server) indicating the quality of service for data sent from a separate device (the content provider) where the quality of service signal is separate from the data. This may allow, for example, a separate device on, for example, the wide area network to control the quality of service provided to data from other devices to centralize the coordination of data transmission priorities. McDysan teaches packet DSCPs, but DSCPs are sent in the data packet, not by a separate network entity. Further, the cited section of Bartlett (e.g., cited in the Examiner’s rejection of claim 2) does not provide any teaching for a signal, separate from the received data, indicating a quality of service for the data or where the quality of service signal is sent by a network control system server for data sent by a separate content provider. Applicant respectfully asserts claim 1 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “wherein establishing the communication link comprises establishing a standard session initiation between the digital device and the computer system” as recited in amended claim 7. Applicant respectfully asserts claim 7 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 7 and claims dependent thereon.

In addition, McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “receive data destined for the computer system from a content provider” and “receive the guaranteed quality of service signal from the network control system server, wherein the guaranteed quality of service signal specifies a guaranteed quality of service; format the data to indicate that the data is to be transmitted over the local area network at the specified guaranteed quality of service” as recited in amended claim 8. For similar reasons as provide

above with respect to claim 1, McDysan and Bartlett do not appear to teach a network control system server sending a guaranteed quality of service signal for data sent by a content provider. As recited in claim 8, the data is received from a content provider and the signal for the guaranteed quality of service for the data is received from a network control system server. Applicant respectfully asserts claim 8 and claims dependent thereon are allowable for at least the above reasons.

Applicant also respectfully notes McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “**a network control system server** configured to send a guaranteed quality of service signal to a digital device...” where the digital device is operable to “send the data to the computer system in order to **establish a guaranteed quality of service path between the wide area network and the local area network**” and “wherein the network control system server is configured to establish a dedicated communication route between the content provider and the digital device **through the circuit-switched infrastructure** based on a desired guaranteed quality of service over the WAN and the respective Internet Protocol (IP) addresses of the content provider and the computer system” (emphasis added) as recited in claim 10 (dependent upon claims 9 and 8). For example, the Examiner’s cited section of McDysan does not even appear to mention a circuit-switched infrastructure. Applicant respectfully submits claim 10 is also allowable for at least the above reasons.

For similar reasons as provided above with claim 1, McDysan and Bartlett do not appear to disclose, teach, or suggest, either separately or in combination, at least “receiving a signal, **separate from the received data**, indicating that the data is to be transferred to the computer system at a guaranteed quality of service” and “wherein the signal is received from a network control system server and the data is received from a content provider, **separate from the network control system server**, on the wide area network (emphasis added)” as recited in amended claim 13. Applicant respectfully submits claim 13 is allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 13.

Applicant respectfully disagrees with the rejection of claim 14, however, as claim 14 has been cancelled, the rejection is believed moot.

New Claims

Applicant respectfully submits the cited art does not disclose, teach, or suggest at least the combination of elements presented in new claims 15-23.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “a processor; a memory coupled to the processor and configured to store program instructions executable by the processor to: receive data sent to a computer from a content provider, wherein the content provider is on a wide area network, wherein the computer is on a local area network, and wherein the wide area network is communicably coupled to the local area network through the system; receive a guaranteed quality of service signal from a network control system server on the wide area network, wherein the guaranteed quality of service signal specifies a guaranteed quality of service, and wherein the guaranteed quality of service signal is received by the system prior to the system receiving the data; in response to receiving the guaranteed quality of service signal from the network control system server, format the data to indicate that the data is to be transmitted over the local area network at the specified guaranteed quality of service; and establish a communication link between the wide area network and the local area network by sending the data to the computer at the specified guaranteed quality of service” as recited in claim 15.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein the processor and memory are comprised in a router” as recited in claim 16 in combination with the elements of claim 15 from which claim 16 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein establishing the communication link comprises establishing a session between the system and the computer” as recited in claim 17 in combination with the elements of claim 15 from which claim 17 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein establishing the communication link comprises establishing a circuit switched communication path between the system and the computer” as recited in claim 18 in combination with the elements of claim 15 from which claim 18 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein establishing the communication link comprises the system communicating with the computer using Ethernet-defined quality of service mechanisms” as recited in claim 19 in combination with the elements of claim 15 from which claim 19 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein the content provider is operable to send a request to the network control system server for the guaranteed quality of service for data sent by the content provider to the computer through the system” as recited in claim 20 in combination with the elements of claim 15 from which claim 20 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein the data sent to the computer from the content provider is streamed audio and video” as recited in claim 21 in combination with the elements of claim 15 from which claim 21 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein the data includes a packet with a header portion and a data portion” as recited in claim 22 in combination with the elements of claim 1 from which claim 22 depends.

Applicant respectfully submits the cited art does not disclose, teach, or suggest, either separately or in combination, at least “wherein the standard session initiation comprises framing

and quality of service at the MAC layer protocols” as recited in claim 23 in combination with the elements of claim 7 from which claim 23 depends.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time is required, applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or if any fees have been overpaid, the Commissioner is hereby authorized to appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 501505/6057-53100/REH.

Respectfully submitted,

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